

### REMARKS

Applicants respectfully requests entry of the amendments and remarks submitted herein. Claims 1-29 have been canceled without prejudice to continued prosecution, and new claims 30-44 have been added. Claims 30-44 are currently pending. Reconsideration of the pending application is respectfully requested.

#### The 35 U.S.C. §112 Rejections

Claim 17 stands rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that that claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants have canceled claim 17 and have not introduced a corresponding new claim. Therefore, Applicants respectfully submit that the rejection of claim 17 under 35 U.S.C. §112, first paragraph, is moot.

#### The 35 U.S.C. §102 Rejections

Claims 1-9, 14, 18-20, and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Amasino et al (U.S. Patent No. 6,359,197) as evidenced by Tomich et al (U.S. Patent No. 5,268,284). Applicants respectfully traverse this rejection.

Applicants have canceled claims 1-20 and 26, and submitted new claims 30-44. New independent claim 30 corresponds to canceled claim 4. The sequence recited in new claim 30 is novel, and is not anticipated by Amasino et al.

New independent claim 31 essentially corresponds to canceled claim 10, which was objected to by the Examiner as being dependent upon a rejected base claim but was otherwise deemed allowable. New claims 32-44 essentially correspond to canceled claims 2-9, 16-20, and 26. New claims 31-44 also are not anticipated by Amasino et al.

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Serial No. : 09/897,776  
Filed : June 29, 2001  
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Attorney's Docket No.: 08411-027001 / ISURF 02424

Applicants respectfully submit that the rejection of claims 1-9, 14, 18-20, and 26 under 35 U.S.C. §102 is moot. The rejection under 35 U.S.C. §102 should not be applied to new claims 30-44.

Enclosed is a \$110 check for the Petition for One-Month Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

August 8, 2003

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